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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,044	09/29/2003	David M. Callaghan	03AB015/ALBRP324US	2584
7590 Susan M. Donahue Rockwell Automation, 704-P IP Department 1201 South 2nd Street Milwaukee, WI 53204			EXAMINER URICK, MATTHEW T	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 02/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/674,044	Applicant(s) CALLAGHAN, DAVID M.	
	Examiner Matt Urick	Art Unit 2113	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
 NOTE: See attached response to amendment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): Claims 1, 2, 4, 5 and 7-13.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: 3.
 Claim(s) rejected: 1, 2 and 4-43.
 Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: amendments require further search.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☒ Other: grounds of rejection.

Response to Amendment

In the previous office action dated 11/15/06, it was indicated that independent claim 1 would be considered allowable if rewritten to include the limitations of claim 3.

Specifically, the limitation states: *"the self-testing R.AM interface cooperates with a CPU to facilitate testing memory array data cells by dividing the memory array, so that each of the CPU and the microprocessor can simultaneously test the array thus facilitating faster testing of the memory array."*

The limitations of claim 3 have been incorporated into independent claims 14, 20, 22, 28, 30, and 34. However, these limitations were not present in independent claims 14, 20, 22, 28, 30, and 34 or any of their dependant claims at the time of the last office action, so a search has not been conducted to determine if this combination of limitations exists in the prior art. Therefore, the amendments to claims 14, 20, 22, 28, 30, and 34 cannot be considered after final as they require further search to determine allowability.

Grounds of Rejection

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7-9, 11, 13-16, 18, 22, 23, 26, 27, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Callaway (United States Patent No. 6,879,530).

Claim 20 is rejected under 35 U.S.C. 102(e) as being unpatentable over Ouellette (US Patent No. 6,993,692).

Claims 34, 35, and 42 are rejected under 35 U.S.C. 102(e) as being unpatentable over Olarig (US Patent No. 6,505,305)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway (United States Patent No. 6,879,530) in view of Lin (United States Patent 6,141,768)

Claims 10, 24, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway (United States Patent No. 6,879,530) in view of Microsoft Computer Dictionary (fifth edition).

Claims 12, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway (United States Patent No. 6,879,530) in view of Wyatt (United States Patent 6,968,479)

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouellette (US Patent No. 6,993,692) in view of Callaway (6,879,530), and in further view of Microsoft Computer Dictionary (fifth edition).


Claims 30-33, 36, 37, 39, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olarig (US Patent No. 6,505,305) in view of Hayes (US Patent 5,781,721).

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Claims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olarig (US Patent No. 6,505,305) in view of Hayes (US Patent 5,781,721), as applied above, and in further view of Microsoft Computer Dictionary (fifth edition).

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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